

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CARTER CONCRETE
STRUCTURES, INC.,

Plaintiff,

v.

MCCARTHY BUILDING
COMPANIES, INC.; FEDERAL
INSURANCE COMPANY;
TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA;
FIDELITY AND DEPOSIT
COMPANY OF MARYLAND; AND
ZURICH AMERICAN INSURANCE
COMPANY,

Defendants.

CIVIL ACTION NO.
1:16-CV-01285-LMM

PLAINTIFF’S REQUEST FOR ORAL HEARING

Pursuant to the Court’s Standing Order Regarding Civil Litigation (Document 3), the Plaintiff hereby requests an oral hearing on Defendants’ Motion for Partial Summary Judgment, Plaintiff’s Response to said Motion and Defendants’ Reply. This Request is unopposed by Defendants.

An oral hearing on this matter will be helpful for the Court given the complex nature of this dispute as evidenced by the voluminous exhibits in support of the Motion for Partial Summary Judgment and the Plaintiff’s Response thereto. Further, Defendants filed an optional Reply (Document 71) attempting to refute

several issues to which the Plaintiff would like an opportunity to respond. For example, Plaintiff would like the opportunity to address the issue of when McCarthy first waived, or the parties mutually abandoned, the notice provision upon which the Motion for Partial Summary Judgment is based. Likewise, Defendants raised new issues and case law in their Reply which the Plaintiff would like address for the Court's consideration. Finally, the Reply demonstrates Defendants' misunderstanding of the Plaintiff's position regarding notice of its claim, so the Plaintiff would like to clarify that for the Court in case it was not initially evident.

Respectfully submitted this 3rd day of August, 2018.

s/ Kevin S. Dale, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2018, I electronically filed Plaintiff's
Request or Oral Hearing using the CM/ECF system which will automatically send
email notification of such filing to the following attorneys of record:

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s/ Kevin S. Dale, Esq.

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